

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

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SAM-01 OMB-01 EB-07 ACDA-05 IO-10 /083 W

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R 071606Z AUG 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1977

USMISSION USBERLIN

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

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E.O. 11652: GDS

TAGS: PFOR, WB, GW, GE, US, UK, FR, UR

SUBJECT: FRG-GDR TRANSIT NEGOTIATIONS

REF: (A) BONN 12721; (B) BONN A-298

1. BEGIN SUMMARY: THE FRG HAS REQUESTED THE OPINION OF THE THREE ALLIES IN THE BONN GROUP ON TWO QUESTIONS CONCERNING THE FRG-GDR TRANSIT NEGOTIATIONS WHICH AROSE DURING THE TALKS BETWEEN SCHMIDT AND HONECKER IN HELSINKI. HONECKER NOT ONLY REAFFIRMED THE GDR POSITION THAT NEGOTIATIONS FOR OPENING ADDITIONAL CROSSING POINTS IN WEST BERLIN MUST BE CONDUCTED WITH THE SENAT, BUT ALSO ASSERTED THAT AN AMENDMENT TO THE QUADRIPARTITE AGREEMENT WOULD BE REQUIRED. THE FRG ASKED WHETHER THE ALLIES AGREE THAT THE FRG IS THE COMPETENT AUTHORITY TO NEGOTIATE SUCH QUESTIONS WITH THE GDR. SECONDLY, THE FRG HAS REQUESTED ALLIED VIEWS ON A HONECKER PROPOSAL THAT NEGOTIATIONS FOR ESTABLISHING ADDITIONAL RAIL STATIONS IN WEST BERLIN

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BE CONDUCTED DIRECTLY BETWEEN THE BUNDESBAHN AND THE

REICHBANH RATHER THAN BETWEEN GOVERNMENTS--A PROPOSAL  
WHICH THE FRG CONSIDERS PROMISING. END SUMMARY.

2. UPON CONCLUSION OF THE BRIEFING ON THE SCHMIDT-HONECKER HELSINKI TALKS REPORTED REFTEL (A), THE FRG BONN GROUP REP (LUECKING) SAID TWO QUESTIONS HAD ARISEN DURING THE TALKS CONCERNING WHICH IT WAS NECESSARY TO CONSULT WITH THE ALLIES. HE DISTRIBUTED A MEMORANDUM DESCRIBING THE TWO PROBLEMS.

3. OPENING OF CROSSING POINTS IN WEST BERLIN. IN HIS JULY 3 BRIEFING OF THE BONN GROUP, BRAEUTIGAM HAD MENTIONED THAT THE GDR HAD DENIED THE COMPETENCE OF THE FRG TO NEGOTIATE THE OPENING OF THE RAIL CROSSING POINT AT STAAKEN (REF B). THE MEMO DISTRIBUTED BY LUECKING MENTIONED THAT THE DISPUTE OVER NEGOTIATING COMPETENCE APPLIES ALSO TO QUESTIONS OF OPENING ROAD CROSSING POINTS IN BERLIN-HEILIGENSEE AND BERLIN-LICHTENRAEGER. LUECKING SAID GAUS HAD PROMPTED CHANCELLOR SCHMIDT TO RAISE THIS ISSUE WITH HONECKER TO PROBE THE DEPTH OF THE GDR FEELING ON THE SUBJECT. HONECKER REAFFIRMED THE PREVIOUS GDR POSITION, THAT THIS IS A QUESTION OF STATUS AND THAT THE GDR WISHED TO NEGOTIATE WITH THE SENAT ON THE OPENING OF SUCH CROSSING POINTS. HONECKER ALSO RAISED A NEW PROBLEM, HOWEVER. HE SAID THAT FOUR-POWER AGREEMENT MUST BE GIVEN TO THE OPENING OF NEW CROSSING POINTS AND THAT THERE MUST THEREFORE BE A SUPPLEMENT TO THE QUADRIPARTITE AGREEMENT. IN THE HELSINKI CONVERSATION, THE FRG SIDE REPLIED THAT CROSSING POINTS AND TRANSIT ROUTES WERE SUBJECTS OF THE TRANSIT TRAFFIC AGREEMENT (ARTICLE 3 AND PROTOCOL NO. 1 OF THE TRANSIT TRAFFIC AGREEMENT), AND THAT THE TWO PARTIES TO THAT AGREEMENT--I.E., THE FRG AND THE GDR--AND NOT THE SENAT ARE THE COMPETENT NEGOTIATING AUTHORITIES FOR QUESTIONS RELATING TO SUCH SUBJECTS. IN ADDITION, WHEN BORDER-CROSSING POINTS ARE USED FOR GOODS TRAFFIC, ARTICLE 4 OF THE GENERAL TRAFFIC TREATY, PROVIDING THAT THE FRG AND GDR TRAFFIC MINISTRIES WILL CONSULT ON ANY CHANGES IN BORDER-CROSSING POINTS, APPLIES.

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4. LUECKING ASKED WHETHER THE ALLIES SHARED THE OPINION OF THE FRG THAT NEGOTIATIONS FOR OPENING NEW CROSSING POINTS COULD BE DONE WITHIN THE FRAMEWORK OF THE TRANSIT TRAFFIC AGREEMENT AND THE GENERAL TRAFFIC TREATY AND THAT A FORMAL ACT OF THE FOUR POWERS WAS NOT NEEDED. FRENCH REP (BOISSIEU) GAVE AS A PRELIMINARY OPINION THAT IT WAS ABSOLUTELY EXCLUDED THAT THE

ALLIES WOULD ENTER INTO NEW NEGOTIATIONS WITH THE SOVIETS ON THIS PARTICULAR POINT. SUCH NEGOTIATIONS WOULD BE CONCENTRATED ON TRANSIT QUESTIONS AND WE WOULD HAVE NOTHING TO GAIN BEYOND WHAT IS ALREADY IN THE QA. THE ONLY PROBLEM, HE THOUGHT, WAS IN THE WORDING OF

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THE TRANSIT TRAFFIC AGREEMENT, WHICH IS PERHAPS TOO PRECISE. BOISSIEU ALSO EXPRESSED THE OPINION THAT NEGOTIATIONS WERE UP TO THE FRG, NOT THE SENAT. UK REP (CROMARTIE) GAVE AS A FIRST IMPRESSION THAT QUADRIPARTITE NEGOTIATIONS WERE NOT LEGALLY NECESSARY, AND US REP ADDED ON PURELY PERSONAL BASIS THAT HE AGREED WITH BOISSIEU THAT THE LIKELIHOOD OF ALLIED AGREEMENT TO SUCH NEGOTIATIONS WAS ALMOST NON-EXISTENT. ALL THREE REPS AGREED TO GIVE A MORE CONSIDERED VIEW AFTER STUDY OF THE ISSUE.

5. SPEEDING UP RAIL TRAFFIC. THE SECOND PORTION OF THE FRG MEMO NOTED THAT THE GDR HAD ON DECEMBER 9, 1974, DECLARED ITSELF READY TO ESTABLISH ADDITIONAL STATIONS IN WEST BERLIN (WANNSEE, SPANDAU AND CHARLOTTENBURG) AND SAID THAT HONECKER HAD NOW PROPOSED THAT NEGOTIATIONS CONCERNING THESE ADDITIONAL STATIONS

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AND CONCERNING THE ELIMINATION OF A CHANGE OF LOCOMOTIVES IN WITTENBERGE (ON THE HAMBURG-BERLIN ROUTE) BE CONDUCTED BY REPRESENTATIVES OF THE REICHBahn AND THE BUNDESBahn WITHIN THE FRAMEWORK OF THE SCHEDULING CONFERENCES (FAHRPLANKONFERENZEN). LUECKING COMMENTED THAT THE PRELIMINARY FEELING OF THE FRG WAS THAT IT WOULD BE DIFFICULT TO ESTABLISH THAT IT WAS ONLY THE FRG WHICH WAS COMPETENT TO NEGOTIATE THESE ISSUES (THE PROBLEM BEING COMPARABLE TO THAT CONCERNING THE TELTOW CANAL) AND THAT THE HONECKER PROPOSAL SEEMED LIKE A FAIR COMPROMISE. HERE AGAIN, HOWEVER, THE FRG WOULD LIKE THE OPINION OF THE ALLIES.

6. IN A PRELIMINARY RESPONSE, BOISSIEU REFERRED TO THE COMPLICATED NATURE OF THE PROBLEM GIVEN THE INTER-RELATIONSHIP OF THE S-BAHN AND THE REICHSBAHN AND ALLIED VIEWS THAT THE S-BAHN REMAINS A SOVIET RESPONSIBILITY. FOR THE FRG TO NEGOTIATE WITH A GDR MINISTRY ON THIS MATTER WOULD AFFECT MATTERS OF STATUS AND SUCH NEGOTIATIONS WOULD THEREFORE HAVE TO BE AUTHORIZED BY THE THREE POWERS, SOMETHING WHICH HAD NOT EVER HAPPENED. THE SENAT, ON THE OTHER HAND, WAS IN NO POSITION TO NEGOTIATE ON THE STATUS OF THE REICHSBAHN. BOISSIEU THEREFORE THOUGHT THAT, IF HONECKER WERE REALLY TALKING ABOUT THE REICHSBAHN AND NOT THE GDR MINISTRY OF TRANSPORT, HIS IDEA OF NEGOTIATIONS BETWEEN THE TWO RAILWAYSSEEMED TO OFFER THE ONLY REALISTIC SOLUTION. ALL THREE ALLIED REPS AGREED TO PRESENT MORE CONSIDERED VIEWS TO THE FRG AT A LATER DATE.

7. COMMENT: COPIES OF THE FRG MEMO ARE BEING POUCHED TO USBERLIN AND EUR/CE. INITIAL TRIPARTITE DISCUSSION OF THE TWO QUESTIONS POSED BY LUEIAING WILL PROBABLY TAKE PLACE AUGUST 8. PENDING RECEIPT OF USBER COMMENTS AND GUIDANCE FROM THE DEPARTMENT, EMBASSY PROPOSES TO SUPPORT FRG POSITION ON BOTH POINTS.  
HILLENBRAND

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